



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3398 2019

and

W.M.P. (MD) No.2677 of 2019

S.E.Mala

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamilnadu,
Higher Education (J2) Department,
Secretariat,
Fort.St.George,
Chennai-600 009.

2.The Director,
The Directorate of Technical Education (DOTE),
53, Sardar Patel Road,
Guindy,
Chennai-600 025.

3.The Principal,
The Francis Xavier Engineering College,
No.103, G2, By Pass Road,
Vannarpettai-627 003,
Tirunelveli District.

4.The Zonal Deputy Tahsildar,
O/o. Zonal Deputy Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter issued by the third respondent dated 04.10.2018 and quash the same as illegal and consequently, direct the third respondent to sanction the benefit of first graduate scholarship to the petitioner in the light of the proposal letter in No.315, dated 13.11.2017 of the first respondent.

For Petitioner : Mr.A.S.Amirtharaj

For R1, R2 & R4 : Mr.M.Karuppasamy
Government Advocate

ORDER

The writ petitioner is a student studying in the third respondent College. She applied for first graduate scholarship. Her request was denied by the third respondent by reporting that the petitioner's elder brother S.E.Vivek is already studying in the second year in the very same college availing the first graduate scholarship benefit. Therefore, the third respondent took the stand that the petitioner is not eligible to avail the said benefit. The stand of the third respondent is questioned in this writ petition.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner drew my attention to the classificatory letter bearing No.9275/J2/2010-1/, dated 31.05.2010, in which, it has been mentioned that even if another member in the same family is undergoing graduation, the applicant must be considered as a first graduate and the Tahsildar must issue the certificate. In this case, the fourth respondent/Zonal Deputy Tahsildar, Tirunelveli, had already issued such a certificate. Therefore, the third respondent was clearly in error in negating the writ petitioner's request. In any event, the third respondent could not question the certificate issued by the fourth respondent. The certificate of the fourth respondent issued in the light of the aforesaid classificatory letter is clearly binding on the third respondent.

3. In this view of the matter, the order impugned in this writ petition is quashed. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

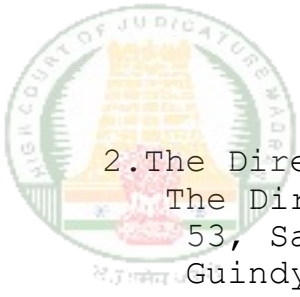
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Sub Assistant Registrar (CS)

rmi

To

1. The Secretary to Government,
Government of Tamilnadu,
Higher Education (J2) Department,
Secretariat,
Fort.St.George,
Chennai-600 009.



2.The Director,
The Directorate of Technical Education (DOTE),
53, Sardar Patel Road,
Guindy, Chennai-600 025.

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3.The Zonal Deputy Tahsildar,
O/o. Zonal Deputy Tahsildar,
Tirunelveli Taluk,
Tirunelveli District.

+1CC TO MR.L.PRABHU, Advocate Sr. No. 63544

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and
W.M.P. (MD) No.2677 of 2019
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DKS (CO)
TR (20.05.2019) 3P 5C